



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4456

Introduced 1/10/2006, by Rep. Constance A. Howard

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.663 new
30 ILCS 105/8h
410 ILCS 303/27 new
410 ILCS 303/30

Amends the State Finance Act to create the Illinois African-American HIV/AIDS Response Fund and to prohibit transfers of moneys out of the Fund for any other purposes. Amends the African-American HIV/AIDS Response Act. Provides that the Fund must be used for the prevention of HIV transmission and for other programs and activities. Provides that moneys placed into Fund must come from appropriations by the General Assembly, federal funds, donations, and other public and private resources. Provides that the Fund is repealed July 1, 2016.

LRB094 17739 LJB 53038 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Finance Act is amended by adding
5 Section 5.663 and by changing Section 8h as follows:

6 (30 ILCS 105/5.663 new)

7 Sec. 5.663. The African-American HIV/AIDS Response Fund.

8 (30 ILCS 105/8h)

9 Sec. 8h. Transfers to General Revenue Fund.

10 (a) Except as provided in subsection (b), notwithstanding
11 any other State law to the contrary, the Governor may, through
12 June 30, 2007, from time to time direct the State Treasurer and
13 Comptroller to transfer a specified sum from any fund held by
14 the State Treasurer to the General Revenue Fund in order to
15 help defray the State's operating costs for the fiscal year.
16 The total transfer under this Section from any fund in any
17 fiscal year shall not exceed the lesser of (i) 8% of the
18 revenues to be deposited into the fund during that fiscal year
19 or (ii) an amount that leaves a remaining fund balance of 25%
20 of the July 1 fund balance of that fiscal year. In fiscal year
21 2005 only, prior to calculating the July 1, 2004 final
22 balances, the Governor may calculate and direct the State
23 Treasurer with the Comptroller to transfer additional amounts
24 determined by applying the formula authorized in Public Act
25 93-839 to the funds balances on July 1, 2003. No transfer may
26 be made from a fund under this Section that would have the
27 effect of reducing the available balance in the fund to an
28 amount less than the amount remaining unexpended and unreserved
29 from the total appropriation from that fund estimated to be
30 expended for that fiscal year. This Section does not apply to
31 any funds that are restricted by federal law to a specific use,

1 to any funds in the Motor Fuel Tax Fund, the Intercity
2 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid
3 Provider Relief Fund, the Teacher Health Insurance Security
4 Fund, the Reviewing Court Alternative Dispute Resolution Fund,
5 ~~or~~ the Voters' Guide Fund, the Foreign Language Interpreter
6 Fund, the Lawyers' Assistance Program Fund, the Supreme Court
7 Federal Projects Fund, the Supreme Court Special State Projects
8 Fund, the African-American HIV/AIDS Response Fund, ~~or~~ the
9 Low-Level Radioactive Waste Facility Development and Operation
10 Fund, or the Hospital Basic Services Preservation Fund, or to
11 any funds to which subsection (f) of Section 20-40 of the
12 Nursing and Advanced Practice Nursing Act applies. No transfers
13 may be made under this Section from the Pet Population Control
14 Fund. Notwithstanding any other provision of this Section, for
15 fiscal year 2004, the total transfer under this Section from
16 the Road Fund or the State Construction Account Fund shall not
17 exceed the lesser of (i) 5% of the revenues to be deposited
18 into the fund during that fiscal year or (ii) 25% of the
19 beginning balance in the fund. For fiscal year 2005 through
20 fiscal year 2007, no amounts may be transferred under this
21 Section from the Road Fund, the State Construction Account
22 Fund, the Criminal Justice Information Systems Trust Fund, the
23 Wireless Service Emergency Fund, or the Mandatory Arbitration
24 Fund.

25 In determining the available balance in a fund, the
26 Governor may include receipts, transfers into the fund, and
27 other resources anticipated to be available in the fund in that
28 fiscal year.

29 The State Treasurer and Comptroller shall transfer the
30 amounts designated under this Section as soon as may be
31 practicable after receiving the direction to transfer from the
32 Governor.

33 (b) This Section does not apply to: (i) the Ticket For The
34 Cure Fund; (ii) ~~or to~~ any fund established under the Community
35 Senior Services and Resources Act; or (iii) ~~(ii)~~ on or after
36 January 1, 2006 (the effective date of Public Act 94-511) ~~this~~

1 ~~amendatory Act of the 94th General Assembly~~, the Child Labor
2 and Day and Temporary Labor Enforcement Fund.

3 (c) This Section does not apply to the Demutualization
4 Trust Fund established under the Uniform Disposition of
5 Unclaimed Property Act.

6 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
7 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
8 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
9 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.
10 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,
11 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;
12 94-691, eff. 11-2-05; revised 11-15-05.)

13 Section 10. The African-American HIV/AIDS Response Act is
14 amended by adding Section 27 and by changing Section 30 as
15 follows:

16 (410 ILCS 303/27 new)

17 Sec. 27. African-American HIV/AIDS Response Fund.

18 (a) The African-American HIV/AIDS Response Fund is created
19 as a special fund in the State treasury. Moneys deposited into
20 the fund shall, subject to appropriation, be used for grants
21 for programs to prevent the transmission of HIV and other
22 programs and activities consistent with the purposes of this
23 Act, including, but not limited to, preventing and treating
24 HIV/AIDS, the creation of an HIV/AIDS service delivery system,
25 and the administration of the Act. Moneys for the Fund shall
26 come from appropriations by the General Assembly, federal
27 funds, donations, and other public and private resources.

28 (b) The Fund shall provide resources for communities in
29 Illinois to create an HIV/AIDS service delivery system that
30 reduces the disparity of HIV infection and AIDS cases between
31 African-Americans and other population groups in Illinois that
32 may be impacted by the disease by, including but, not limited
33 to:

34 (1) developing, implementing, and maintaining a

1 comprehensive, culturally sensitive HIV Prevention Plan
2 targeting communities that are identified as high-risk in
3 terms of the impact of the disease on African-Americans;

4 (2) developing, implementing, and maintaining a stable
5 HIV/AIDS service delivery infrastructure in Illinois
6 communities that will meet the needs of African-Americans;

7 (3) developing, implementing, and maintaining a
8 state-wide HIV/AIDS testing program;

9 (4) providing funding for HIV/AIDS social and
10 scientific research to improve prevention and treatment;

11 (5) providing comprehensive technical and other
12 assistance to African-American community service
13 organizations that are involved in HIV/AIDS prevention and
14 treatment;

15 (6) developing, implementing, and maintaining an
16 infrastructure for African-American community service
17 organizations to make them less dependent on government
18 resources; and

19 (7) creating and maintaining at least 17 one-stop
20 shopping HIV/AIDS facilities across the state.

21 (c) When providing grants pursuant to this Fund, the
22 Department of Public Health shall give priority to the
23 development of comprehensive medical and social services to
24 African-Americans at risk of infection from or infected with
25 HIV/AIDS in areas of the State determined to have the greatest
26 geographic prevalence of HIV/AIDS in the African-American
27 population.

28 (d) The Section is repealed on July 1, 2016.

29 (410 ILCS 303/30)

30 Sec. 30. Rules.

31 (a) No later than March 15, 2006, the Department of Public
32 Health shall issue proposed rules for designating high-risk
33 communities and for implementing subsection (c) of Section 15.
34 The rules must include, but may not be limited to, a standard
35 testing protocol, training for staff, community-based

1 organization experience, and the removal and proper disposal of
2 hazardous waste.

3 (b) The Department of Human Services, the Department of
4 Public Health, and the Department of Corrections shall adopt
5 rules as necessary to ensure that this Act is implemented
6 within 6 months after the effective date of this Act.

7 (c) The Department of Public Health shall adopt rules
8 necessary to implement and administer the African-American
9 HIV/AIDS Response Fund.

10 (Source: P.A. 94-629, eff. 1-1-06.)